

FREEDOM OF INFORMATION (FOI) REQUEST

EPA-R6-2018-009132

RECEIVED
18 JUL -5 AM 10:50
PERMITS BRANCH
6WQ-P

Due Date: 07-24-18

Requester: Joe Wertz

Subject: Requesting copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed.

Environmental Group: No

Lead Branch: 6WQ-~~P~~

Input Branch(es):

Comments: This is a **multiple division** request: (1) If you have responsive records send to La Gayla via email in pdf form along with the cost sheet completely filled out. (2) If no responsive records provide to me via email the no records forms and the cost sheet filled out completely. If you have any questions contact La Gayla at 5-7517 or Dorothy at 5-8141.

Route to:

D. Garcia B/G S. Dwyer _____ Date 7/3/18

Assign to ORC:

Yes ____ No ✓

Assign to RA:

Yes ____ No ✓

Please return to La Gayla (11.184) or Dorothy (11.178). Thanks in advance.

Prepared by: LJ 07-03-18

Please forward assigned FOIA request to your Division Director so they can determine and directly notify the RA or RA-D that they need to be assigned the FOIA request for responsive records. (This includes 6RA, 6RA-D) Also, if a determination is made that the FOIA request needs to be assigned to a different Division, Region and/or Headquarters, please inform the FOIA Office.

FREEDOM OF INFORMATION ACT REQUEST

EPA-R6-2018-009132

REQUEST DATE: June 29, 2018 PERFECTED/CLOCK START: June 29, 2018

REQUESTER INFORMATION:

Joe Wertz
Dept. MR56586
411A Highland Ave.
Somerville, MA 02144

Email: 56586-36692729@requests.muckrock.com
Work Phone# 617-299-1832 Fax:# not available

FEE CATEGORY: Media FEE WAIVER PENDING/REQUESTED

*****SUBJECT*****

Pursuant to the Freedom of Information Act, I hereby request the following records: Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed. I am a representative of the news media actively gathering news for an organization that publishes and broadcasts news to the public. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires

*****ASSIGNED OFFICE(s)*****

6WQ

6EN

6OEJTIA

DUE DATE: July 24, 2018

*****SPECIAL INSTRUCTIONS TO DIVISIONS*****

1. Always note Fee commitment by requester: \$ 25.00
2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 25.00
3. Each Division must obtain Division Director or delegate concurrence on denial log before routing to ARA signature.
4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).

*****DO NOT WRITE IN THIS SPACE, FOR FOIA OFFICE USE ONLY*****

BILLABLE COST

	\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL
6WQ						
6EN						
6OEJTIA						

EPA-R6-2018-009132

Pursuant to the Freedom of Information Act, I hereby request the following records: Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed. I am a representative of the news media actively gathering news for an organization that publishes and broadcasts news to the public. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires

Ho, Nancy

From: 56586-36692729@requests.muckrock.com
Sent: Tuesday, July 03, 2018 9:20 AM
To: R6 FOIA
Subject: RE: Freedom of Information Act Request #EPA-HQ-2018-009132

Environmental Protection Agency
FOIA Office
1200 Pennsylvania Avenue Northwest
Washington, DC 20004

July 3, 2018

This is a follow up to request number EPA-HQ-2018-009132:

Nancy,

In regard to the questions in your 7/2 reply to my FOIA Request: EPA-R6-2018-009132:

Yes. I am requesting a fee waiver.

As to your request for clarification of the type of records I'm requesting:

- My FOIA request did detail a specific subject matter: "... the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma."
- My FOIA request did detail a specific date range in requesting emails "sent or received from June 1, 2017 to the date that this FOIA request is processed."
- My FOIA request should include, but not be limited to, the following authors and recipients: Water Quality Division of EPA Region 6, Taimur Shaikh, David Garcia, Arturo Blanco, Cheryl Seager, Arkansas Department of Environmental Quality, Arkansas Natural Resources Commission, Oklahoma Department of Environmental Quality, Oklahoma Conservation Commission, Oklahoma Water Resources Board, Mike Teague, Oklahoma Secretary of Energy & Environment, Cherokee Nation.
- My FOIA request should include, but not be limited to, searches of the following keywords or phrases: Total Maximum Daily Load, TMDL, Illinois River, Lake Tenkiller, scenic rivers, statement of joint principles and action, nutrient, pollution, phosphorus, algal blooms, dissolved oxygen, impaired, 303(d)

Please let me know if you don't have enough clarification to start fulfilling my FOIA request.

Sincerely,

Joe Wertz

Filed via MuckRock.com
E-mail (Preferred): 56586-36692729@requests.muckrock.com
Upload documents directly: https://www.muckrock.com/accounts/agency_login/environmental-protection-agency-

75/illinois-river-tmdl-e-mail-communications-56586/?email=r6foia%40epa.gov&uuid-login=36625c80-087d-43f8-aff2-ded251dd2219#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 56586
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 29, 2018:

06/29/2018 06:11 PM FOIA Request: EPA-R6-2018-009132

Dear Mr. Wertz:

This email is in regards to your FOIA Request: EPA-R6-2018-009132 in which you requested, "the following records: Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed."

Please let us know if you are requesting a fee waiver for the following reason: disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester.

In addition, please assist us by describing and clarifying the type of records you are requesting to "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. ..." 40 C.F.R. § 2.102(c).

In general in order to search for email records, we search by names of staff, keywords, date range, email domains of non-EPA persons. As currently described, your FOIA request is broad and will generate voluminous records that may not be responsive.

We look forward to your clarification.

Thanks,
Nancy Ho
EPA Region 6 FOIA Team

On June 29, 2018:

The FOIA request EPA-HQ-2018-009132 has had its Tracking Number changed to EPA-R6-2018-009132. This is normally due to the request being transferred to another agency (for example, EPA to Dept. of Commerce) or to a sub-agency to process it. Additional details for this request are as follows:

- * Old Tracking Number: EPA-HQ-2018-009132
- * New Tracking Number: EPA-R6-2018-009132
- * Requester Name: Joe Wertz
- * Date Submitted: 06/29/2018
- * Long Description: Pursuant to the Freedom of Information Act, I hereby request the following records: Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois

River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed. I am a representative of the news media actively gathering news for an organization that publishes and broadcasts news to the public. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires

On June 29, 2018:

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows: (<https://foiaonline.regulations.gov/443/foia/action/public/view/request?objectId=090004d2819adb78>)

* Tracking Number: EPA-HQ-2018-009132

* Requester Name: Joe Wertz

* Date Submitted: 06/29/2018

* Request Status: Submitted

* Description: Pursuant to the Freedom of Information Act, I hereby request the following records: Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed. I am a representative of the news media actively gathering news for an organization that publishes and broadcasts news to the public. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires

On June 22, 2018:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Copies of all email communications regarding the development of a Total Maximum Daily Load, also known as a TMDL, in the Illinois River Watershed or impaired water bodies in Arkansas and Oklahoma sent or received from June 1, 2017 to the date that this FOIA request is processed.

I am a representative of the news media actively gathering news for an organization that publishes and broadcasts news to the public. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Joe Wertz

Filed via MuckRock.com

E-mail (Preferred): 56586-36692729@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/environmental-protection-agency-75/illinois-river-tmdl-e-mail-communications-56586/?email=r6foia%40epa.gov&uuid-login=36625c80-087d-43f8-aff2-ded251dd2219#agency-reply

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For mailed responses, please address (see note):

MuckRock News
DEPT MR 56586
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



eDiscovery MS Outlook Search request through HQ (FOIA/Congressional/Litigation)

Please fill in as indicated to continue the process.

Request Date: _____

Request Title or Identifier: FOIA Request -- EPA-R6- _____ - _____

Relevant Information: [MS Outlook email search needed for user name: [First/Last Name and email address(es)-include any additional instructions, email files for an ex-employee-provide the name(s), who will be the reviewer(s) of the workspace collection: [First/Last Name and email address(es)] or do you have additional information to provide to the search technicians who will process your request]

Keywords: [Enter unique words or phrases to be used to identify potentially relevant information for your search request. Use logical operators, "AND", "OR" and "NOT", to define search terms.]

Date Range: [From and to] _____

Required by Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

CERTIFICATION OF ADEQUACY OF SEARCH ON
"NO RECORD" RESPONSES

I, _____, certify that I am employed by the Environmental Protection Agency, Region 6, in Dallas, Texas (or acting as a representative) as _____, that I am familiar with the records requested and/or that I am responsible for conducting the search for responsive records for Request Identification Number EPA-R6-_____, and that I have conducted an "adequate" search for responsive records by searching the below listed location(s) (as applicable):

- 1.
- 2.
- 3.

I further certify that I am aware that a search for responsive records need not be perfect, only adequate and that adequacy is measured and/or determined by the "reasonableness" of the effort of the search in light of the specific request. Specifically, I have searched for the documents in all places that it is practical for the documents to be located. Moreover, after conducting an adequate search for records on behalf of the

_____ Division/Unit, I have located no records responsive to this request or portions thereof. Further, I am attaching an itemized listing of all records which my search supports are not in the Region's possession.

Dated: _____, _____

Signature of Person Conducting Search

Dated: _____, _____

Signature of Designated Supervisor for
Person Conducting Search

Approved by OGC

INTERNAL USE ONLY – DO NOT SEND THIS TO REQUESTER

Please read instructions on back before completing form.

FOIA FEE CALCULATION WORK SHEET

1. REQUEST NUMBER EPA-R6-	2. TYPE OF REQUESTER	3. DATE COMPLETED	4. ACTION OFFICE
NOTE: The Freedom of Information Act and EPA's regulations state that the Federal Government must obtain a fee commitment from a FOIA requester before billing can occur. So if no fee commitment is plainly given in the request letter or if other Divisions also have records, please contact the requester. Provide the requester with an estimate. Make sure the requester understands what program records you refer to and make a note of his/her fee commitment.			
5. FEE COMMITMENT AMT		6. DATE OF VERBAL/Written COMMITMENT	7. FEE COMMITMENT RECEIVED FROM
8. CLERICAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$4.00 @ ¼ HOUR			x \$4.00 =
b. Review - \$4.00 @ ¼ HOUR			x \$4.00 =
9. PROFESSIONAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$7.00 @ ¼ HOUR			x \$7.00 =
b. Review - \$7.00 @ ¼ HOUR			x \$7.00 =
10. MANAGERIAL PERSONNEL		TOTAL HRS	¼ HOUR RATE COST
a. Search - \$10.25 @ ¼ HOUR			x \$10.25 =
b. Review - \$10.25 @ ¼ HOUR			x \$10.25 =
11. DUPLICATION/REPRODUCTION		TOTAL	RATE OR ACTUAL COST
a. Paper or Computer Page (2 sided copy = 2 copies)			x \$.15 pg =
b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =
c. Microfiche			x \$ 1.00/sheet =
d. Microfilm			x \$10.00/cartridge =
e. Video or Audio Cassette (Specify)			x \$5.00/each =
f. Maps			
g. Photos			
12. OTHER COSTS		TOTAL	RATE OR ACTUAL COST
a. Computer Cost			x =
b. Certifications			x \$25.00 =
c. Special Handling – Overnight Mail			x =
d. Other			x =
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	¼ HOUR RATE COST
a. Preparer's Name: _____ Grade/Step: _____			x =
b. Preparer's Name: _____ Grade/Step: _____			
14. FOR FOIA OFFICE USE ONLY			
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____	
b. TOTAL COLLECTABLE FEES _____		d. FEES WAIVED/REDUCED YES OR NO	

R6 FOIA FORM 6/03

INSTRUCTIONS FOR COMPLETING THE FOIA FEE CALCULATION WORK SHEET

Pursuant to the Electronic Freedom of Information Act Amendment of 1996, the Annual Report to Congress that all agencies are required to submit must include the administrative cost to implement FOIA.

The FOI Office will generate a bill for the requester but we also need your help to capture the actual administrative cost to process a FOIA request. Therefore, this worksheet is to be completed for all FOIA requests by all personnel involved in answering a FOIA request. Please complete the following information and return it to the FOIA Office along with a copy of the response letter. If you have any questions, please contact Leticia Lane at 214-665-7202 or lane.leticia@epa.gov.

1. REQUESTER NUMBER - e.g., 06-FOIA-0342-03.

2. TYPE OF REQUESTER

#1 Commercial Use Request: requester charged for search, review & duplication costs.

#2 Educational & Non-Commercial Scientific Institutions: requester charged for duplication costs excluding the first 100 pages.

#3 Representative of the news media: requester charged for duplication costs excluding the first 100 pages.

#4 All Other Requests: requester charged for search & duplication time excluding the first two hours of search time & the first 100 pages of duplication.

3. DATE COMPLETED - Enter month, day and year.

4. ACTION OFFICE - Mail code of responder.

5. FEE COMMITMENT AMT - fee commitment amount received from requester for the processing of FOIA request.

No Fee Charged for $\leq \$14.00$

Bills sent between \$14.01 - \$25.00, no payment assurance required
Written Assurance of payment from requester for amounts $> \$25.00$

6. DATE OF VERBAL / WRITTEN COMMITMENT - date when verbal or written fee commitment was given.

7. FEE COMMITMENT RECEIVED FROM - name of person from which you received verbal or written fee commitment.

8. CLERICAL PERSONNEL - enter total hours x hourly rate = cost.

a. Search - Time spent in locating the requested information.

b. Review - Time spent in reviewing the document content for releasable documents.

9. PROFESSIONAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

10. MANAGERIAL PERSONNEL - enter total hours x hourly rate = cost.

Search/Review - see explanation above.

11. DUPLICATION / REPRODUCTION - Enter Total x Rate or Actual = Cost.

12. OTHER COSTS - Enter Total x Rate or Actual = cost.

13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME
enter total x hour rate = cost

Time spent in activity other than above, such as hand carrying documents to other locations, restoring files, preparing ltr, telephone calls etc.

a. Preparer's Name is the person who prepares ltrs/telephone calls etc. Grade/Step is grade & step of preparer.

14. FOR FOIA OFFICE USE ONLY

a. Total Administrative / Processing Fees - add the actual administrative cost block in the cost column.

b. Total Collectable Fees - add the review / search blocks in the cost column.

c. Total Charged - enter the amount that the requester was charged.

d. Fees Waived / Reduced - indicate if the cost of processing the request was waived or reduced by circling yes or no.

REGION 6 FOIA CHECKLIST

III. ACTION OFFICES (FOIA Specialists/Other Assigned Staff)

1. Does the FOIA request need to be assigned to another Division, Region and or Headquarters? (if so, notify the DFC immediately and provide a POC or office name)
2. Does the FOIA request need additional clarification? (if yes, contact the DFC to get additional clarification. Document all communication with requester (if any) and provide to DFC for uploading into FOIAonline)
3. Is the Fee Commitment adequate for the FOIA process? (if not, contact the DFC for a larger fee commitment)
4. Is the request likely to be billable? (if a fee waiver has been requested, notify the DFC within 24 hours of assignment whether billable fees are expected to exceed \$25.00)
5. Do I need additional time to continue the process? (if yes, contact the DFC for an extension and the reason for the extension)
6. Are responsive records already available in the public domain? (if yes, provide the website or address to location of the responsive information to the DFC)
7. Are responsive records available from a different agency/office? (if yes, provide the referral office / agency info to the DFC)
8. Have I conducted an adequate search and completed the Search Verification Checklist? (provide a copy of completed search verification checklist to the DFC; also see Steps 7 and 11 of this SOP)
9. Did my search result in no responsive records to the request? (if no responsive records located, complete a "No Records" Certification Form and provide to the DFC, along with fee calculations)
10. Does MS Outlook Email need to be searched for responsive records to the request? (if yes, check with the DFC and FOIA Office to determine if the search should be run through the MS Outlook Email Search Service by an eDiscovery technical team)
11. Did I locate responsive records that can be released? (if yes, provide copies to the DFC, along with internal supporting documents, including fee calculations)
12. Did I locate responsive records that must be withheld? (if yes, provide copies to the DFC, along with an exemption log (denial log) and fee calculations)
13. Did I redact appropriate portions of responsive records (if applicable) and identify all FOIA exemptions being applied at the place of each redaction? (a copy of both the original and the redacted record must be provided to the DFC)
14. Did I locate responsive records claimed as trade secret or confidential business information (CBI)? (if yes, follow the appropriate steps for handling CBI; also see Step 12 and Attachments 9, 10 and 11 of this SOP, and 40 C.F.R. Part 2, Subpart B)